

VERSION WITH MARKINGS TO SHOW CHANGES

IN THE CLAIMS:

5. (amended) A multimedia delivery apparatus, comprising:

(a) a database containing multimedia content records and references to media files for a multimedia presentation, and

(b) a software delivery engine associated with said database and executable on a computer for seamlessly accessing a content record in said database means and locating and displaying, as one seamless multimedia application, media elements referred to in that content record, whether said [medial] media elements are stored on a local storage device or stored remotely on an Internet server.

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. Objection to Claim 5.

Claim 5 was objected to due to a typographical error on line 4. Accordingly, the Applicant has amended Claim 5 to correct the typographical error and apologizes for any inconvenience to the Examiner.

2. Rejection of Claims 1-6 under 35 U.S.C. § 103.

Claims 1-6 were rejected under 35 U.S.C. § 103 as being unpatentable over the combined teachings of Hoffert et al. (U.S. No. 5,903,892) and May et al. (U.S. No. 5,44,354). In support of the rejection of Claims 1-6, the Examiner stated that Hoffert discloses a database containing, or database means for storing, multimedia content records and references to media files for a multimedia presentation but does not disclose a software engine, or software engine means, that seamlessly accesses a content record in the database and locates and displays media elements referred to in that content record. The Examiner then turns to May et al. as teaching a software engine.

In response, the Applicant respectfully traverses the rejection of Claims 1-6 for the reason that the Applicant considers the cited references to have been misapplied by the Examiner. The Applicant respectfully submits that the cited references, when combined, do not disclose the elements of Claims 1-6.

Turning first to Hoffert et al., the Applicant respectfully disagrees with the Examiner's conclusion that the reference discloses a database containing, or means for

storing, multimedia content records and references to media files for a multimedia presentation. In support of the rejection, the Examiner refers the Applicant to the abstract; col. 3, lines 1-16; col. 8, lines 43-67; col. 9, lines 1-24; col. 22, lines 18-67, and col. 23, lines 1-8). However, while the abstract refers to a database containing multimedia files (e.g., content), the abstract says nothing about a database containing multimedia content records and references to media files for a multimedia presentation.

The disclosure at col. 3, lines 1-16 refers only to searching media files and presenting summaries to the content to the user. Again, at col. 8, lines 43-67, Hoffert et al. disclose indexing multimedia content in a database and presenting search results to the user. Col. 9, lines 1-24 discuss searching content and indexing content. Furthermore, col. 22, lines 18-67 describe how to construct a preview of compressed video images, and col. 23, lines 1-8 describe displaying search results.

Clearly, therefore, Hoffert et al. describes a method and system for searching and indexing content. The system is a search engine or "crawler", not a system for multimedia presentations. Hoffert et al. does not teach accessing a database containing multimedia content records and references to media files for a multimedia presentation, since (i) it is not used for a multimedia presentation, and (ii) the databases searched by Hoffert et al.'s system are databases containing multimedia files, not databases containing multimedia content records and references to media files for a multimedia presentation.

Therefore, Hoffert et al., which is the primary reference cited by the Examiner, does not teach those aspects of the Applicant's claims which the Examiner asserted the

reference teaches. As such, the Applicant respectfully submits that Hoffert et. al has been misapplied as a reference and the rejection of Claims 1-6 should be withdrawn.

Notwithstanding the foregoing, even assuming the Examiner is correct about the teachings of Hoffert et al., the cited combination of Hoffert et al. and May et al., does not teach, suggest or provide motivation or incentive for the invention recited in Claims 1-6 because neither reference, singly or in combination, teaches seamless access of a content record in the database and locating and displaying media elements referred to in that content record. While the Examiner is correct that May et al. teaches a software engine, it does not teach a software engine as recited in Claims 1-6.

In support of the rejection, the Examiner refers the Applicant to col. 10, lines 8-21; col. 11, lines 1-22; col. 12, lines 1-14; and col. 16, lines 12-33 of May et al. However, col. 10, lines 8-21 discuss code cell execution to access a program or retrieving an item. Col. 11, lines 1-22 discuss displaying items associated with the code cells, which could include multimedia content. However, May et al. does not disclose accessing a database of the type recited in the Applicant's claims and seamlessly accessing a content record in said database and locating and displaying media elements referred to in that content record in a multimedia presentation. Col. 12, lines 1-14 describes conventional browsing, not a multimedia engine as recited in the Applicant's claims. Finally, col. 16, lines 12-33 describe access record cells, which may contain multimedia content, not seamlessly accessing a content record in a database of the type recited in the Applicant's claims and locating and displaying media elements referred to in that content record in a multimedia presentation.

Therefore, the cited combination does not teach the Applicant's invention as asserted by the Examiner. Both cited references have been misapplied, and the Applicant respectfully requests that the rejection be withdrawn. Furthermore, neither reference, singly or in combination, suggests or provides motivation or incentive for the invention recited in Applicant's Claims 1-6. The teachings of the cited references are directed to entirely different systems than a multimedia presentation system as recited by the Applicant, and are not combinable. There is nothing in the cited references from which one having ordinary skill in the art would find the Applicant's invention of Claims 1-6 to be obvious.

Furthermore, with regard to Claim 1 only, the Applicant respectfully reminds the Examiner that Claim 1 is written in means plus function format. Accordingly, under *In re Donaldson*, Claim 1 must be construed to mean the structure described in the specification and its equivalents. When properly interpreted under *In re Donaldson*, Claim 1 clearly distinguishes over the cited combination of Hoffert et al. and May et al., and those references do not suggest, teach or provide motivation or incentive for the invention recited in Claim 1.

3. Presentation of New Claims.

The Applicant has added new Claims 7-19 which recite additional features of the invention. None of the cited references, singly or in combination, teach, suggest or provide motivation or incentive for the subject matter recited in Claim 7-19. More particularly, the cited references do not teach, suggest or provide motivation or incentive for a multimedia presentation system or method employing a database and software engine as recited wherein at least one of the multimedia content records includes a field

that contains at least one custom tag; wherein the software engine is configured to read the custom tag; wherein the custom tag instructs the engine to fetch a corresponding multimedia content record from the database; wherein the software engine reads the multimedia content record; and wherein at least a portion of the content page is passed to a browser component of the software engine and displayed as recited in Claims 7, 9, 11, 13, 15, 17 and 19. Nor is there any teaching, suggestion, motivation or incentive for the additional features of Claims 8, 10, 12, 14, 16, 18 and 19 wherein the software engine generates a temporary local copy of at least a portion of a content page from that multimedia content record for display; and wherein the displayed content page contains at least one custom tag for further navigation.

The Applicant respectfully submits that no new matter has been added. Support for the features of Claims 7-19 can be found in the specification at pages 3-6 as well as at other locations, in the drawings, and in the sample software set forth in the microfiche appendix.

4. Conclusion.

In view of the above, the Applicant respectfully submits that Claims 1-19 recite subject matter which would not have been obvious to one having ordinary skill in the art in view of the cited references. Each of the presently pending claims in this application is believed to be in immediate condition for allowance, and the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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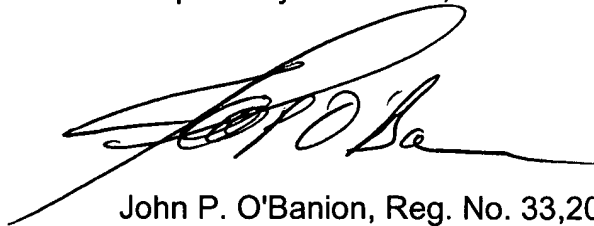
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The Applicant also respectfully requests a telephone interview with the Examiner in the event that there are questions regarding this response, or if the next action on the merits is not an allowance of all pending claims.

A Petition for Extension of Time and three-month extension fee are enclosed.

Date: 11/21/01

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. P. O'Banion', written over a horizontal line.

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